

New Affordable-Housing Requirements Proposed

115,000: Number of homes needed is double earlier goal

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TRENTON -- Eight years and several legal challenges later, the state Council on Affordable Housing issued a new proposal Monday governing how affordable housing is allocated in New Jersey that won tentative praise by several housing advocates.

Advocates were pleased with several key elements of the proposal that would:

- More than double the stated need of affordable housing from 52,000 to more than 115,000 units.
- Increase the requirement for constructing affordable building units to one for every five market-rate units and one for every 16 jobs created.
- Limit the maximum number of age-restricted units to 25 percent.
- Raise the cost of regional contribution agreements — in which wealthier towns pay off poorer ones to take their affordable obligations — from \$35,000 to between \$67,000 and \$80,000, depending on the region of the state.
- Require towns with affordable housing trust funds to spend them within four years.

The proposed rules, known as the "third round rules," were originally due in 1999. The state Department of Community Affairs' last attempt to draft these rules was ruled unconstitutional by an appellate court in January.

Paul Chrystie, executive director of the Coalition for Affordable Housing and the Environment, said the proposal is "enormously better than what was thrown out by the court" and lamented that so much time has been wasted litigating instead of building.

"We are approaching year eight of the COAH moratorium," Chrystie said. "Had they adopted a constitutional rule in 1999, we'd be coming to the end of the third round, not the beginning."

Kevin Walsh, a staff attorney for the Fair Share Housing Center, which had brought the legal challenge to the previous plan, said he was cautious and still reading the proposal.

"There's a lot to read," Walsh said. "The number is roughly 115,000 and closer to reality than the 52,000 they came up with before, but it's also extended over a longer period of time."

The lone criticism came from the New Jersey State League of Municipalities — whose cities and towns will be required under the new rules to resubmit affordable housing plans by next December and were not given specific obligation numbers.

"It appears as if the affordable housing obligation has doubled, while the methods of municipal compliance have been narrowed," league director William Dressel Jr. said in a prepared

statement. "Meanwhile, we are unsure how this will be funded, and are very concerned that taxpayers, and not developers, will be asked to pay more."

Stephen M. Eisdorfer, a lawyer for the New Jersey Builders Association, which opposed the last proposal, said he hasn't yet studied the new proposal.

"It seems to me that the draft has been written so as to present itself as responding to the issues raised by the court in its decision in January," Eisdorfer said. "The devil is always in the details. Whether in fact the draft addresses those issues is something we'll only understand when we actually look at the details."

In a statement, Community Affairs Commissioner Joseph Doria said, "Gov. Corzine and I are dedicated to providing quality affordable housing for New Jersey residents."

The department said the new rules will help achieve Corzine's commitment toward providing 100,000 units of affordable housing in 10 years.

Assembly Speaker Joseph J. Roberts Jr., D-Camden, has proposed a package of changes aimed at affordable housing that's likely to be taken up next session that includes the elimination of regional contribution agreements.

"The speaker believes that the proposed COAH regulations are moving in the right direction and include a lot of positive reforms, but the speaker still believes RCAs should be eliminated altogether," said Joe Donnelly, a spokesman for Roberts.